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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,077	10/30/2000	Kenneth Wills	08250.0045-02	3296

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ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER

HAVAN, THU THAO

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 03/14/2003

#18

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/698,077

Applicant(s)

WILLS, KENNETH

Examiner

Thu-Thao Havan

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the appeal brief filed on December 31, 2002, PROSECUTION IS HEREBY REOPENED. The non-final rejection is set forth below. Upon further search, Examiner withdraws the previous office action rejections because a new prior art teaches similarly to the present invention.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims **17-40** are rejected under 35 U.S.C. 102(e) as being unpatentable by Bellesfield et al. (US patent no. 6,282,489).

Re claims **17, 23, 32, and 35**, Bellesfield discloses a method for searching and retrieving information comprising receiving/sending a request identifying a first site, and range data defining a distance from the first site (col. 1, lines 7-14; col. 2, lines 13-31; fig.2); selecting/receiving trip planning information selected based on the identified site and the range data (col. 11, line 35 to col. 12, line 20; figs. 3-4, 6, and 11), and outputting the selected trip planning information (col. 10, line 37 to col. 11, line 34; figs. 7 and 9); In other words, Bellesfield teaches an automated travel planning including a map selection component, a routing component, and a place selection component. For example, if the user requests a list of places near the displayed route, the place selection component employs the places of interest database to generate and display a list of places of interest which are within a predetermined distance of the generated route.

Re claims **18 and 24**, Bellesfield discloses the trip planning information includes information identifying a location of interest within a proximity of the first site derived from the range data (col. 8, lines 13-65; figs. 5-6). In other words, Bellesfield teaches the routing component will generate routes between the selected points in the order they are selected.

Re claims **20, 26-27, 33-34, and 36-37**, Bellesfield discloses the request further includes a second site, and wherein the trip planning information includes information identifying a location of interest associated with the second site (col. 7, line 40 to col. 8,

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line 26; figs. 5-6). In other words, Bellesfield teaches if a user successively choose a departure point, a destination point A, and a destination point B (i.e. the second site), then the routing component will generate routes between the departure point and the destination point A, and between the destination point A and the destination point B.

Re claims **29 and 38**, Bellesfield teaches method for searching and retrieving information, comprising receiving/sending a request identifying at least a first site, a second site and a type of location of interest (col. 6, line 40 to col. 7, line 12 ; fig. 7) and receiving information associated with the first and second sites and selected based on the type of location of interest and selected using a geometric shape generated based on the first and second sites (col. 8, line 37 to col. 9, line 25; fig. 6). In other words, Bellesfield discloses in figures 6 and 7 the places of interest between the first and second site in geometric shape.

Re claims **19, 21-22, 25, 28, 30, and 39**, Bellesfield discloses the trip planning information includes information identifying services available within a proximity of the first site derived from the range data (fig. 7). In figure 7 of Bellesfield, he discloses the geographic center in latitude and longitude for the places of interest such as a hotel or a restaurant within the proximity of one site to the next site.

Re claims **31 and 40**, Bellesfield discloses the geometric shape is generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value (figs. 6-7). In figure 6, Bellesfield the places of interest in distance from the departure to the destination point.

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### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Obradovich et al., US Patent No. 6,148,261

Bellesfield et al., US patent no. 6,498,982

Musk et al., US patent no. 5,944,769

### ***Inquiries***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan  
Art Unit: 2672  
March 9, 2003

A handwritten signature in black ink, appearing to read 'M. Razavi', with a long horizontal line extending to the right.

**MICHAEL RAZAVI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**